

' 157.128. Denial, Suspension, and Revocation of Trauma Facility Designation.

(a) A hospital's application for designation may be denied or a trauma facility's (facility) designation may be suspended or revoked for, but not limited to, the following reasons:

- (1) failure to comply with the statute and these sections;
- (2) willful preparation or filing of false reports or records;
- (3) fraud or deceit in obtaining or attempting to obtain designation status;
- (4) refusal to submit data to the state trauma registry;
- (5) failure to maintain required licenses, designations, and accreditations or when disciplinary action has been taken against the hospital by a licensing agency;
- (6) failure to have appropriate staff or equipment required for designation as described in '157.125 of this title (relating to Requirements for Trauma Facility Designation);
- (7) abuse or abandonment of a patient;
- (8) unauthorized disclosure of medical or other confidential information;
- (9) alteration or inappropriate destruction of medical records;
- (10) refusal to render care because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem, or inability to pay; or
- (11) criminal conviction(s) as described in the Occupations Code, Chapter 53, Subchapter B.

(b) Occasional failure of a hospital or facility to meet designation criteria shall not be grounds for denial, suspension or revocation by the Bureau of Emergency Management (bureau), if the circumstances under which the failure occurred:

- (1) do not reflect an overall deterioration in quality of and commitment to trauma care; and
- (2) are corrected within a reasonable timeframe by the hospital or facility.

(c) If the bureau proposes to deny, suspend, or revoke a designation, the bureau shall notify the hospital or facility at the address shown in the current records of the department. The notice shall state the alleged facts that warrant the action and state that the hospital or facility has an

opportunity to request a hearing in accordance with the Administrative Procedure Act, Government Code, Chapter 2001.

(1) The hospital or facility shall request a hearing in writing and submit it to the bureau chief within 15 days after the date of the denial, suspension, or revocation notice.

(2) If the hospital or facility does not request a hearing in writing, after being sent the notice of opportunity for hearing, it is deemed to have waived the opportunity for a hearing and the denial, suspension, or revocation decision shall stand.

(d) Six months after the denial of a hospital's application for designation, the hospital may reapply for trauma facility designation as described in '157.125 of this title.

(e) When a designation has been suspended, the suspension shall be in effect a minimum of 10 days. Upon completion of the assigned suspension time, designation shall resume.

(f) One year after the revocation of a facility designation, the hospital may reapply for designation as described in '157.125 of this title. The bureau may deny designation if the bureau determines that the reason for the revocation continues to exist.